

# BOARD OF ADJUSTMENT REPORT



MEETING DATE: 10/5/2005

ITEM No. \_\_\_\_\_

ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT Wilkins Residence  
**(8-BA-2005)**

REQUEST Request to approve a Variance from Article V. Section 7.200.B.3.a & d regarding eaves and a covered porch in the required rear yard.

OWNER Steven Wilkins  
480-250-5550

APPLICANT CONTACT Steven Wilkins  
480-250-5550

LOCATION 13230 N 91st Place, at the northwest corner of 91st Place and East Wood Drive.



CODE ENFORCEMENT ACTIVITY The applicant received a notice of Violation from City Code Enforcement advising that the rear shade canopy was situated within the required rear yard setback of the property. The applicant was advised to either remove the shade structure from the rear yard area or obtain a variance to authorize encroachment into the setback requirement. A permit was obtained for modifications to the house including expansion of the second floor on the residence, but no permit was obtained for the shade canopy.

PUBLIC COMMENT The applicant sent 54 letters of notice to property owners within 300 feet of the site regarding the variance request on August 11, 2005. Three letters of support were received from neighbors and a petition with 8 names objecting to the proposal based on visual and fire safety was submitted.

ZONE Single Family Residential in a Planned Community District (R1-7 PCD). Case 73-ZN-1984 established the site as R1-7 PCD and provided amended development standards for lot area from 7,000 to 4,000 square feet, lot width from 70 to 0 feet, front yard from 20 to 10 feet (20 to face of garage), side yard from 5 feet with 14 foot aggregate to 5 feet and 10 foot aggregate and rear yard from 25 to 15 feet. Case 253-DR-1984 approved "The Retreat" plat, containing 80 lots in 1984.

ZONING/DEVELOPMENT CONTEXT The site is located in The Retreat residential subdivision near the northwest corner of Sweetwater Avenue and 92<sup>nd</sup> Street. This site is surrounded by other R1-7 PCD zoned properties on the north, east, west and south. The site is a corner lot with 91<sup>st</sup> Place along the east

ORDINANCE  
REQUIREMENTS

and East Wood Drive along the south sides. The site contains 5,446 square feet and has a garage with driveway access to 91<sup>st</sup> Place to the east.

Section 5.204.E.3 Rear Yard, "There shall be a rear yard having a depth of not less than twenty-five (25) feet." This setback requirement applies to the main building only and was subsequently modified by the PCD zoning case to 15 feet. General Provisions, Section 7.200.B.3.a and d of the ordinance pertains to projections into the rear yard and provides that a. Sills, belt courses, cornice, eaves and ornamental features may project two (2) feet into the required rear yard, and d. that covered porches may project into the required yard provided they are not nearer than ten (10) feet to the rear property line. The requested variance is to permit the covered porch or patio to locate within five (5) feet of the rear property line, a variance of three (3) to five (5) feet for patio cover and associated eaves.

DISCUSSION

The subject lot is a corner lot with frontage onto 91<sup>st</sup> Place toward the east and the rear property line along the west side of the approximate 103-foot deep lot. After the home was built and purchased by the applicants, an addition for a second floor, 2-car garage addition and patio cover was constructed onto the residence. The patio cover, which was physically integrated into the roof of the house, extended to within 1 ½ feet (18 inches) of the rear property line of the lot. The applicant will reconstruct the structure to maintain a 5-foot setback and requests a variance to permit encroached into the west or rear yards. The requested variance is three (3) to five (5) feet for patio cover and associated eaves.

FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application, which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

The applicants indicate that the reduced lot area, depth and 15 foot main building and corner lot setback requirement leaves only a minimal area to develop the rear yard. Applicable amended development standards were applied to lots in this area that permitted a reduced lot area on this "corner lot" to 5,446 square feet. The applicants indicate that the reduced sized lot area and corner lot configuration creates a significant limit on the ability to use and enjoy the rear yard of his lot and establishes the need for the variance. Staff feels that modification to the canopy can be made in order to meet required setback.

- 2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:**

The applicants indicate that the current limited rear yard setback is insufficient to permit a covered patio. The permitted buildable area on this lot is substantially smaller than standard sized R1-7 parcels, and reduces his ability to use the site in the manner

enjoyed by owners of other R1-7 lots. The variance would permit a reduction in the rear setback and allow the site to be used in conformance with the standard sized R1-7 lots. The home is similar in character with the other homes in the vicinity and the covered canopy will not adversely impact neighboring properties. Staff notes that the setback requirements were established for the area prior to the addition occurring to the existing home.

**3. That special circumstances were not created by the owner or applicant:**

The applicants indicate that the corner lot setback requirement also limits the option to use the site and results in the small backyard on the site. The circumstances relating to the setbacks were established by the plat and related amended development standards that resulted in limited ability to develop a covered patio and need for the variance on the site. Staff notes that the addition was added to the property while owned by the applicants, and no building permit was obtained in the construction of the shade canopy, resulting in an infraction in the required rear yard setback.

**4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:**

The applicants indicate the variance is for the 10 by 14 foot patio area only and does not adversely impact adjoining properties. The architecture of the covered patio is compatible with the building of adjoining properties in the neighborhood. Neighbors are both supportive and opposed to the variance. Those objecting to the variance state visual and fire safety issues as the basis of their concerns.

## STAFF CONTACT

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Al Ward, Senior Planner  
Report Author  
Phone: 480-312-4211  
E-mail: [AWard@ScottsdaleAZ.Gov](mailto:AWard@ScottsdaleAZ.Gov)

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Tim Curtis, Project Coordination Manager  
Phone: 480-312-4210  
E-mail: [TCurtis@ScottsdaleAZ.gov](mailto:TCurtis@ScottsdaleAZ.gov)

## ATTACHMENTS

1. Project Description
2. Justification
3. Context Aerial
4. Aerial Close-up
5. Zoning Map
6. Photographs
7. Proposed Site Plan
8. Public Comment

## Narrative

A year ago as a family we needed to make a decision whether we would continue to live on 91<sup>st</sup> Place or move to a larger home. We had three teenagers attending Desert Mountain High School and all of them liked this location and their friends and they didn't really want to move. We then came up with the idea of building an addition on the house. We checked it out and decided to go with the addition that is in progress now. We also knew we wanted to add a covered patio so we could enjoy our rear yard. It is the only yard that we have that we can sit in and is only semi-private as you can see in it from across Wood Drive.

Having lived in the Retreat probably longer than any other resident, I've seen covered patios go up over the years, but wanted to do something that would accommodate our family and a visiting relative's family (between 10 and 14 people). I had seen other patio covers close to the rear fence in our development on perimeter homes and also a couple on a cul-de-sac like the one I live on. So I poured a slab, topped it off with cool deck, and I built something that I thought would blend in nicely with the neighborhood. It would give us shade for family and friends. It would also shade our large sliding glass doors in the late afternoon and help with energy costs. I soon found out I needed a permit for that also. I then researched other patios and found that the set back on perimeter homes was measured to the sidewalk outside the rear fence and made it easy to put up something large. I also found the other covered patios on a cul-de-sac like ours didn't have permits.

What I have constructed is currently 19 inches from the rear property line. The way it is constructed, I could pour new footings, and retract it to a distance of five feet from the rear property line. I am told, I am asking for a variance of five feet, however current zoning allows me to be eight feet from the rear fence, so in reality I am looking for three more feet. Without the variance, the whole cover will probably have to be completed disassembled.

Thank you for hearing my request. The City's of Scottsdale's reception to my problem has been excellent. I hope you can help me with this.

Sincerely,



Steven Wilkins



# ZONING ORDINANCE VARIANCE

## Application Submittal Requirements

### Justification for Variance

The Board of Adjustment may not authorize a zoning ordinance variance unless ALL of the following criteria are met. Use the space provided to present your evidence that the requested variance complies; you may attach a separate sheet if you need more room.

1. Special circumstances/conditions exist which do not apply to other properties in the district:

PROPERTY HAS DUAL FRONT YARDS. REAR YARD IS ONLY SEMI-PRIVATE AND THE ONLY PLACE FOR A FAMILY TO GET TOGETHER OUTDOORS.

2. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

THIS PROPERTY DOES NOT OFFER A COVERED PATIO. CURRENT ZONING OFFERS ONLY A 7 FOOT COVER WHICH IS NOT ENOUGH COVERAGE FOR A FAMILY OF FIVE PLUS VISITING RELATIVE.

3. Special circumstances were not created by the owner or applicant:

THIS IS A CORNER LOT WITH MINIMUM SETBACK AND NO OTHER PLACE TO PUT A COVERED PATIO BUT THE REAR YARD. HAVE NOTICED OTHER COVERED PATIOS ERECTED OVER LAST 20 YEARS.

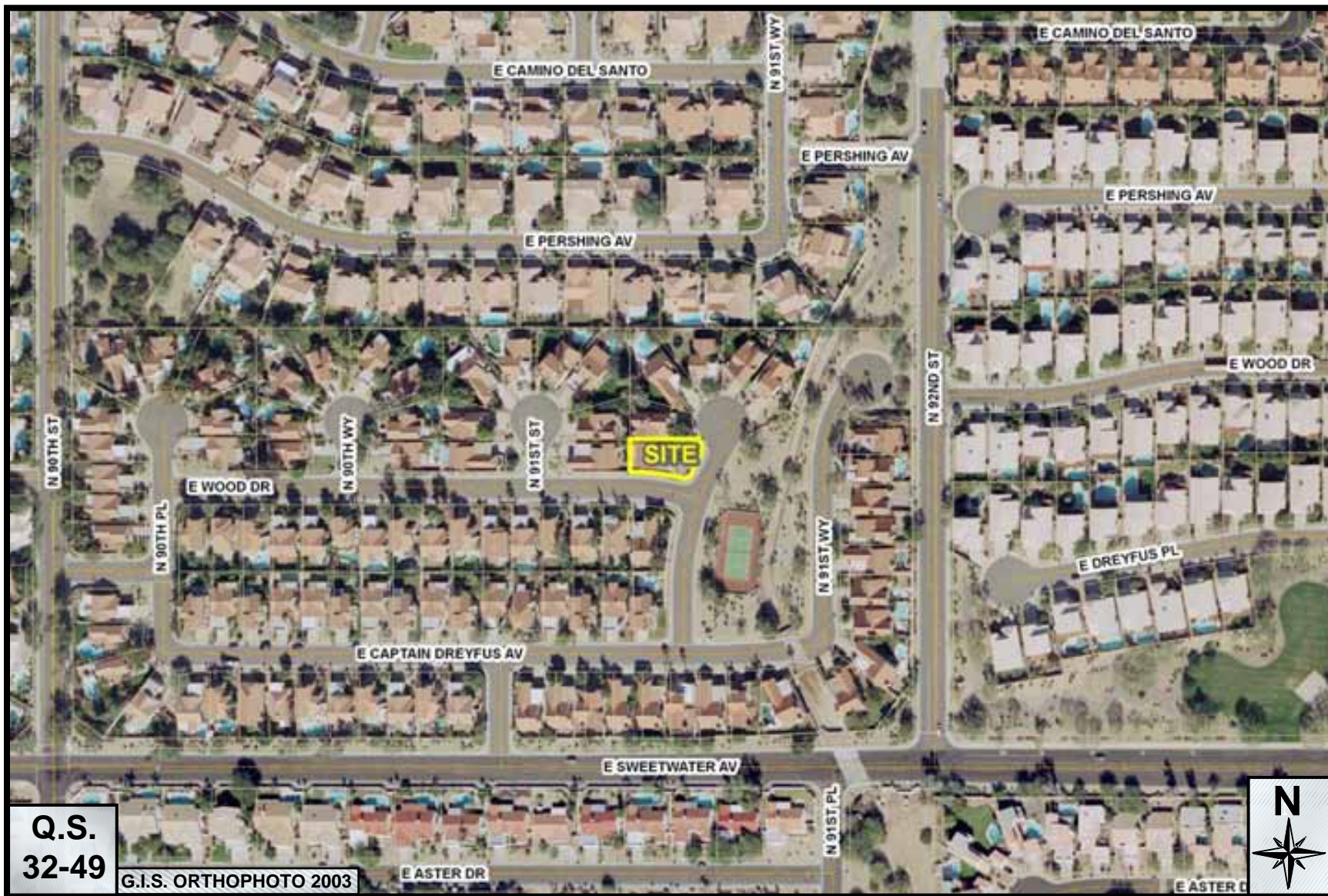
4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

THE ARCHITECTURE OF VARIANCE BLENDS IN NICELY WITH NEIGHBORHOOD. ALL ADJACENT NEIGHBORS AND NEIGHBORS WITH DAILY VISIBILITY AGREE IT COMPLEMENTS THE PROPERTY AND DEVELOPMENT.

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088





Q.S.  
32-49

G.I.S. ORTHOPHOTO 2003

Wilkins Residence

8-BA-2005

ATTACHMENT #2



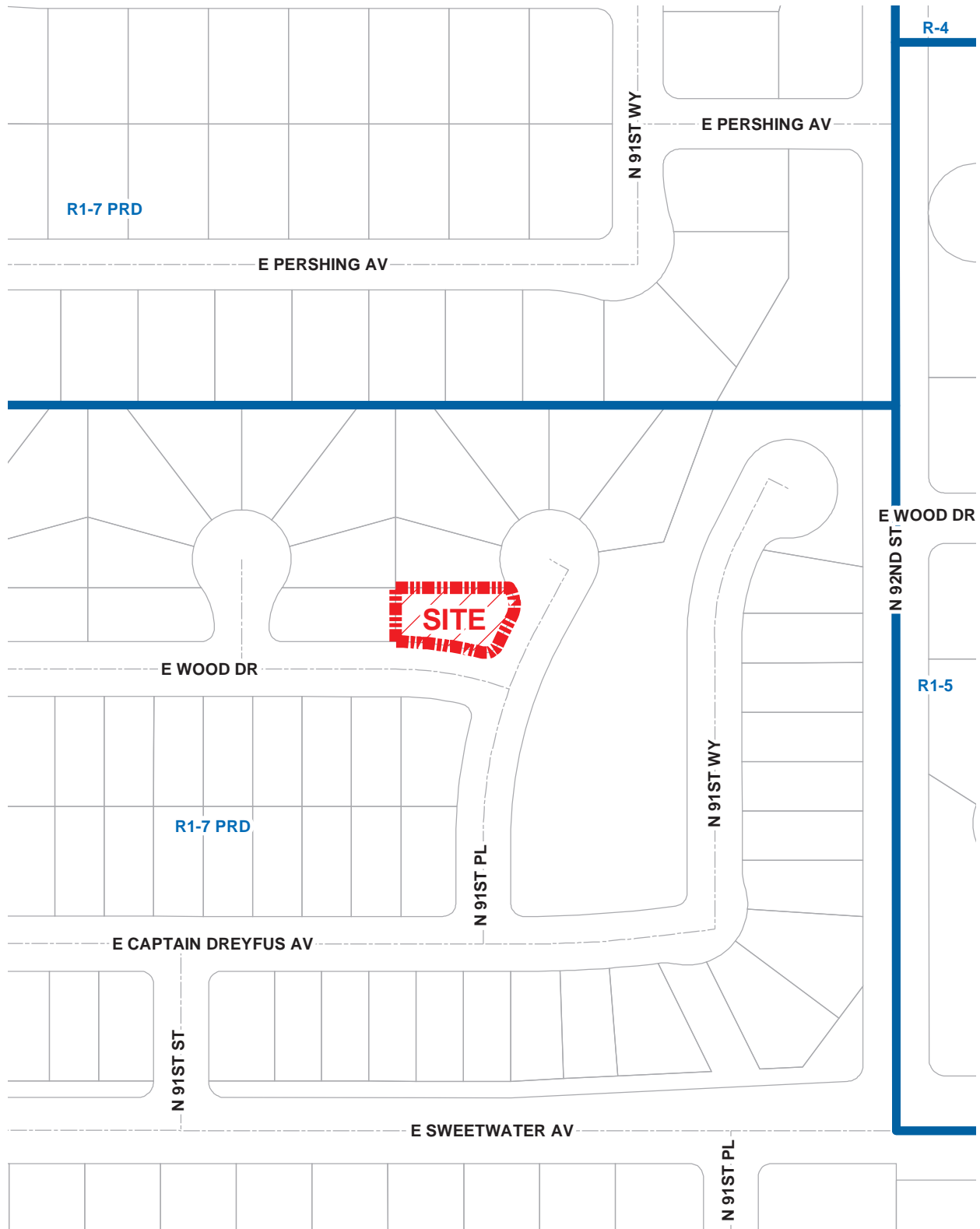


Wilkins Residence

**8-BA-2005**

ATTACHMENT #2A





8-BA-2005

ATTACHMENT #4









8-BA-2005  
8/30/2005





8-BA-2005  
8/30/2005





8-BA-2005  
8/30/2005

# PROJECT DATA

**LOPMENT TEAM**

CIVIL ENGINEER: BUILDING SETBACKS: FIRE SPRINKLES: YES

STRUCTURAL ENGINEER: LOOKOUT ENGINEERING: LEGAL DESCRIPTION: DE RETREAT MGR 240-21 LOT 21

**INFO**

ST ADDRESS: NORTH WEST PLACE GALL, AZ 85039

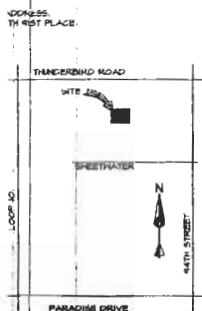
IT ZONING: R1-7 PRD

AP AREA: 5,446 S.F.

FOOTPRINT: 2,460 S.F. EXISTING 116 S.F. NEW GARAGE 422 S.F. NEW LOFT

IT COVERAGE: 15%

## VICINITY MAP



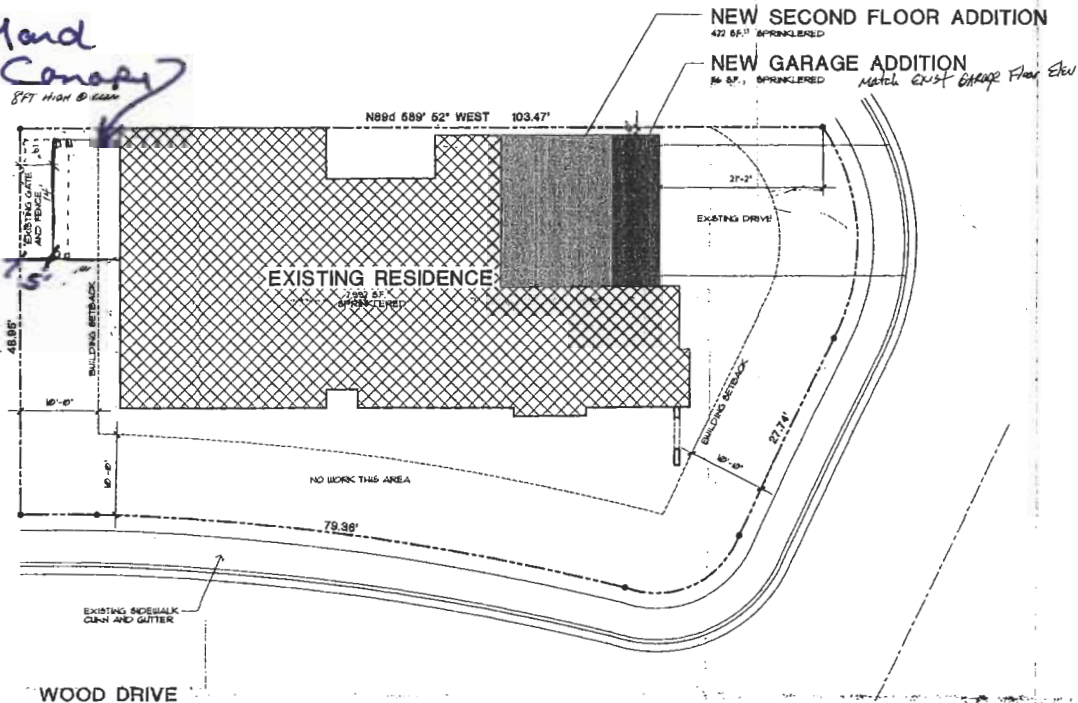
## SHEET INDEX

- 110 SITE PLAN / PROJECT DATA (THIS SHEET)
- 210 FLOOR PLAN / FOUNDATION PLAN / DETAILS
- 310 MEOP PLANNING PLAN / DETAILS
- 620 OVERALL PLAN

### PARCEL INFO

APR 21/04/07  
HARSHON COUNTY RECORDS, PAGE 20071  
LAWSONSON RAN: THE RETREAT  
LOT NUMBER: 21

REAR YARD  
Shade Canopy  
8 FT HIGH 0.000



WOOD DRIVE

FEMA FLOOD					
Flood Insurance Rate Map (FIRM) Information					
Community No.	Firm No.	Revis.	Date of Firm	Firm Zone	Base Flood Elev.
045012	1585	1	7/11/01	X	N/A
	1585	1	7/11/01	X	N/A



## SITE PLAN

SCALE 1/4" = 1'-0"

### ELECTRICAL PLAN NOTES:

- Electrical ranges and clothes dryers shall be supplied by 4-wire (grounded) circuit conductors. NEC 210-14.
- Bathroom receptacle outlets shall be GFCI protected and supplied by at least one dedicated 20 ampere branch circuit that supplies no other loads. NEC 210-6, 210-52(a).
- Subservice panelboards supplying an intended to supply pool equipment shall be grounded by an installed equipment grounding conductor installed with the feeders. NEC 680-25(a).
- All branch circuits supplying bedroom receptacle outlets shall be AFCI-rated (circuit interrupter GFCI) protected. NEC 680-16.
- All metal piping systems, metal parts of electrical equipment, and pump motors associated with the hydromassage tub shall be bonded together using a copper bonding jumper, insulated, covered, or bare, not smaller than No. 8 solid.
- Metal parts of listed equipment incorporating an approved system of double insulation and providing a means for grounding internal nonaccessible, noncurrent-carrying metal parts shall not be bonded. NEC 680-73.
- Provide GFCI protection for receptacle outlets at the following locations: NEC 210-8, NEC 680-
  - Bathrooms
  - Kitchens
  - Laundry Areas
  - Storage
  - Attic
  - Drain Spaces
  - Unfinished Basements
  - Kitchen Countertops
  - Within 6 feet of any sink, basin, lavatory, or similar water receptor
  - Hydromassage or Jetted Bathtubs. NEC 680-78
  - Pools. NEC 680 A.1.B.
  - Spas. NEC 680-42.

### FLOOR PLAN NOTES:

- Bartoque CBSD Unit: Provide a listed and approved bartoque unit installed in accordance with the listing and with the manufacturer's installation instructions. The unit shall conform to and 281.30-1993 and shall be approved by a nationally recognized testing agency.
- GAS LINES: 1. Are not permitted under slabs. 2. Are not permitted under structures. 3. Shall conform to UPC Chapter 12 for materials, installation, and testing.
- RANGES AND COOKTOPS: Provide a listed and approved range and/or cooktop unit installed in accordance with the listing and with the manufacturer's installation instructions. VERIFY AND MAINTAIN REQUIRED HORIZONTAL AND VERTICAL CLEARANCES ABOVE THE FINISHED COUNTERTOP SURFACE BEFORE ORDERING OR INSTALLING CABINETS.

263-1100  
1-800-STAKE-IT  
STANDARD FLOORING & CARPET

APPROVAL FOR:  
SETBACKS  
PERMITS  
FINISH FLOOR  
DATE: 10/10/05  
BY: [Signature]

Michael Rosenblatt

ATTACHMENT #7

8-BA-2005  
8/30/2005

RESIDENCE ADDITION  
13230 NORTH 91ST PLACE  
SCOTTSDALE, ARIZONA  
SITE PLAN

1. [Signature]

REVISION  
1. [Signature]

1. [Signature]

CITY COPY



We, Homeowners of "The Retreat" located on the NE corner of 90<sup>th</sup> Street & Sweetwater Ave, Scottsdale, AZ 85260; may not be able to attend the Hearing at 6:00 pm on October 5<sup>th</sup>, 2005, but wanted to be heard.

We believe the City of Scottsdale has fair building/structure codes and above all have safety standards in place to protect its citizens. Any deviation to such codes in our opinion is unacceptable. Our homes are very close to begin with, and possible fire danger spreading from one house to another is a big concern. Another concern is the chimney, it has not been raised after the addition over the garage was completed; is this currently within City fire safety codes? We want nothing but "code" in this neighborhood. Therefore, we are opposed to ANY variance at the property located at 13230 N. 91<sup>st</sup> Place, Scottsdale, AZ 85260; Case# 8-BA2005.

Obviously the owner did not follow the correct process and makes us wonder if any necessary permits were obtained for all of the work and if property taxes adjusted to cover improvements. Work includes: West side covered porch in question, addition above the garage, and the extension to roof line over atrium off the kitchen NW of the garage. Ultimately, it is the property owner's responsibility to make sure permits have been obtained thru the City of Scottsdale. This project started Fall 2004 and we would like it to be resolved quickly, as this has been a huge eye sore to our neighborhood for far too long. Thank you, Retreat residents.

Auth Nicolaggi - 13230 N. 91<sup>st</sup> Street, Scottsdale AZ  
L.M. BUTLER - 9097 E. WOOD DRIVE \* verbal  
Marty Gordon - 9085 E. CPT. DREYFUS AVE, SCOTTS.  
Keith Klumpp - 9088 E. CPT. DREYFUS AVE. SCOTTS.  
Lucinda Wallington - 9080 E. Captain Dreyfus Ave., Scottsdale  
D. Ritarocco - 9085 E. WOOD DRIVE SCOTTS.  
CHARLES SAWYERS 13270 N. 91<sup>ST</sup> SCOTTSDALE  
Steve Friedman - 9077 E. WOOD Drive Scottsdale  
My Lu - 9093 E. Wood Dr., Scottsdale AZ 85260  
\* out of town

AL WARD, 480-312-7088, 8-BA-2005

To: Board of Adjustment  
From: Andrew Banas and Verónica Grondona  
Date: September 20, 2005  
Re: 8-BA-2005-WILKINS RESIDENCE

We live at 13225 N. 91<sup>st</sup> Street (Lot 26 of the Retreat Association). Our property is adjacent to the Wilkins Property, and we share a rear yard wall.

Our rear yard is very small. The Wilkins' newly constructed covered patio is highly visible from our entire rear yard and in its current location has a looming effect. Also, it is unclear to us whether the proximity of the structure to our shared wall threatens the structural integrity of the wall footings due to drainage of water off the patio roof directly onto and/or toward the wall.

We believe that the structure in its current position is materially detrimental to our adjacent lot and should be set back from our shared wall at least 5 (five) feet (as suggested by Mr. Wilkins himself).

It is likely that we will not be able to attend the public hearing regarding this matter on October 5<sup>th</sup> 2005 due to employment obligations, but we will make every effort to do so.

Thank you for the opportunity to submit this letter.

Sincerely,

Andrew Banas

Verónica Grondona

8-BA-2005  
9/20/2005

FAX: 480-312-7088

ATTN: FRANCIS  
CURRENT PLANNING

RE: 8-BA-2005

THE UNDERSIGNED, EITHER BY SIGNATURE OR VERBAL  
AUTHORIZATION TO LIST THEIR NAMES, HEREBY REQUEST THE  
BOARD DENY THIS VARIANCE REQUEST BECAUSE IT IS NOT IN  
KEEPING WITH THE CHARACTER OF THE EXISTING NEIGHBORHOOD.

NAME	ADDRESS	PHONE	SIGNATURE
ELIZABETH URICK	13090 N 90 PL	451-4396	<i>Elizabeth Urick</i>
CASIMIR A. WORSO	9072 E. CAPT DREYFUS	451-0160	<i>Casimir A. Worsos</i>
DINA FAZIO	9101 E. CAPTAIN DREYFUS	451-3127	<i>Dina Fazio</i>
CYNTHIA NIEZIENSKI	9109 E. WOOD DR.	614-3889	<i>Cynthia Niezienski</i>
Edward Roe	9105 E. WOOD DR.	FAIRMONT, 20M OUT OF TOWN -	EDWARD ROE VERBAL



September 12, 2005

Attention: Al Ward

Staff Contact

Board of Adjustment  
Scottsdale City Hall  
3939 Drinkwater Blvd.  
Scottsdale, AZ 85260

To Whom It May Concern:

Regarding Case # 8BA2005

Article V Sect. 7, 200B. 3, a & b.

Regarding ~~save~~ covered porch in  
required rear yard.

As a neighbor living within  
300 feet of the property mentioned in  
this case, I totally oppose the completion  
of this structure. It was built without  
an issued permit and also is not within  
the recommended code of the City of  
Scottsdale. It is built so close to  
the common rear wall of the abutting  
neighbor's home that it most definitely  
poses a fire hazard to all homes near  
it. It has been like this for too long  
and needs to be removed.

Very truly,

Ruth Nicolazzi  
(opposing neighbor)

**Steven Wilkins  
13230 N. 91 Place  
Scottsdale, AZ 85260**

August 11, 2005

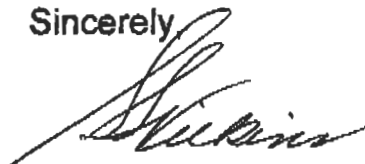
Ruth Ann Nicolazzi  
13230 N. 91<sup>st</sup> Street  
Scottsdale, AZ 85260  
217-24-429 / Retreat Lot #19

Dear Ms. Nicolazzi,

This letter is to inform you of an application we have submitted to the City of Scottsdale for our rear patio. The City of Scottsdale requires us to notify homeowners located within 300 feet of our proposed variance.

If you have any questions regarding this application or the patio, please feel free to contact me by mail at the above-referenced address, or telephone at (480)661-6626 between 7PM and 9PM, or via email at [sfw789@cox.net](mailto:sfw789@cox.net).

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Wilkins', written over a horizontal line.

Steven Wilkins





From: Ruth Nicolazzi

(4 pages to this letter)

Subject:

September 1, 2005

Application for building  
code variance to The Retreat  
address of 13230 North 91<sup>st</sup> Place  
Lot no. 27, Scottsdale AZ 85260

To: Mr. Steve Wilkins,

I, along with a number of other neighbors living within close proximity of your home, received your letter to inform me of your application to the City of Scottsdale for a proposed variance addition to the rear of your home. your recent letter, however, was not informative at all. you provided no information to any of us as to what your proposed variance consists of.

According to a communication with the City Building Permit Dept of Scottsdale several months ago, your addition to the rear structure of your home was an illegal structure since a.) you never obtained the required permit to build it, and b.), it does not meet the City building Code. It is my understanding that Mike Rosenthal advised you to discontinue building and that your structure as is - is not allowed. He said you could apply for a variance which might

2.

allow 2 or 3 feet more from the code requirement, but assured your abutting neighbor living behind you at that time, that the Board of Adjustment that hears requests for variances "would not" approve a structure as close to the common wall abutting your neighbor as you have done on your property.

You have disappointed me, as well as other neighbors living in this development known as The Retreat. You never considered the impact that your unapproved addition would have on your abutting neighbor, Ruthel Roberts, living behind you, or any of the rest of us living near you. I would never have agreed to your structure being so close to the wall. I, as well as other neighbors, observed that your workers could not even prop up a ladder between the structure and the common wall between you and your rear abutting neighbor. Your workers had to literally stand on the rear common block wall to work on the frame for the roof structure. I believe you

3.

thought you could get away with this! And, - if so, you wouldn't have to pay taxes on this addition.

I totally disapprove of this illegal structure, as well as your attitude. It is not only unsightly from the street but from your neighbors back yard as well.

Most importantly, in my opinion it is a fire hazard to adjoining properties and if this were put up by my adjoining neighbor behind me, without any notification from that neighbor regarding the building - without a permit and not being in code with the City of Scottsdale, legal action would be pursued against that neighbor as well as with the City for not enforcing their building code.

I have the exact same house model as yours, and approximately the same size lot and would never put up an enormous structure next to my neighbor to the west of me, as you have so done on your property.

4.

Being that, years ago, you enclosed your "original patio," why now, would you choose to build on an additional structure, call it a patio, or an eventually enclosed portion of your home and not even have a backyard? If you need that much space to live in, perhaps you needed a bigger newer home with space around your home in a much more "open development" than what the Retreat has to offer you.

Very truly,

Ruth Nicolazzi  
13230 North 91<sup>ST</sup> Street  
Scottsdale, AZ, 85260  
Lot no. 19 - at the Retreat

c.c.

copy to be forwarded to - Board of Adjustment  
City of Scottsdale, regarding  
this issue. Case # 8BA 2005  
Hearing October 5, 2005  
6 pm.



The City of Scottsdale  
Board of Adjustment

Contact: Al Ward, Senior Planner  
480-312-4211

We, Homeowners of the Retreat/Vista Parc, located within the 300' radius of Steven Wilkins property, 13230 N 91<sup>st</sup> Place approve of the Patio Variance located at Steven Wilkins property, Listed in Project Case #8-BA-2005.

Attachments:

Cover letter for Petition in Favor of Variance  
300' Buffer Zone – Offset Map  
Parcel Map with Key Code  
Spreadsheet with Signatures  
Correspondence Received

City of Scottsdale Project Information  
Mailing List from 300' Offset Map  
Current Covered Patios within the Retreat  
Photos of Address and Patios within the Retreat

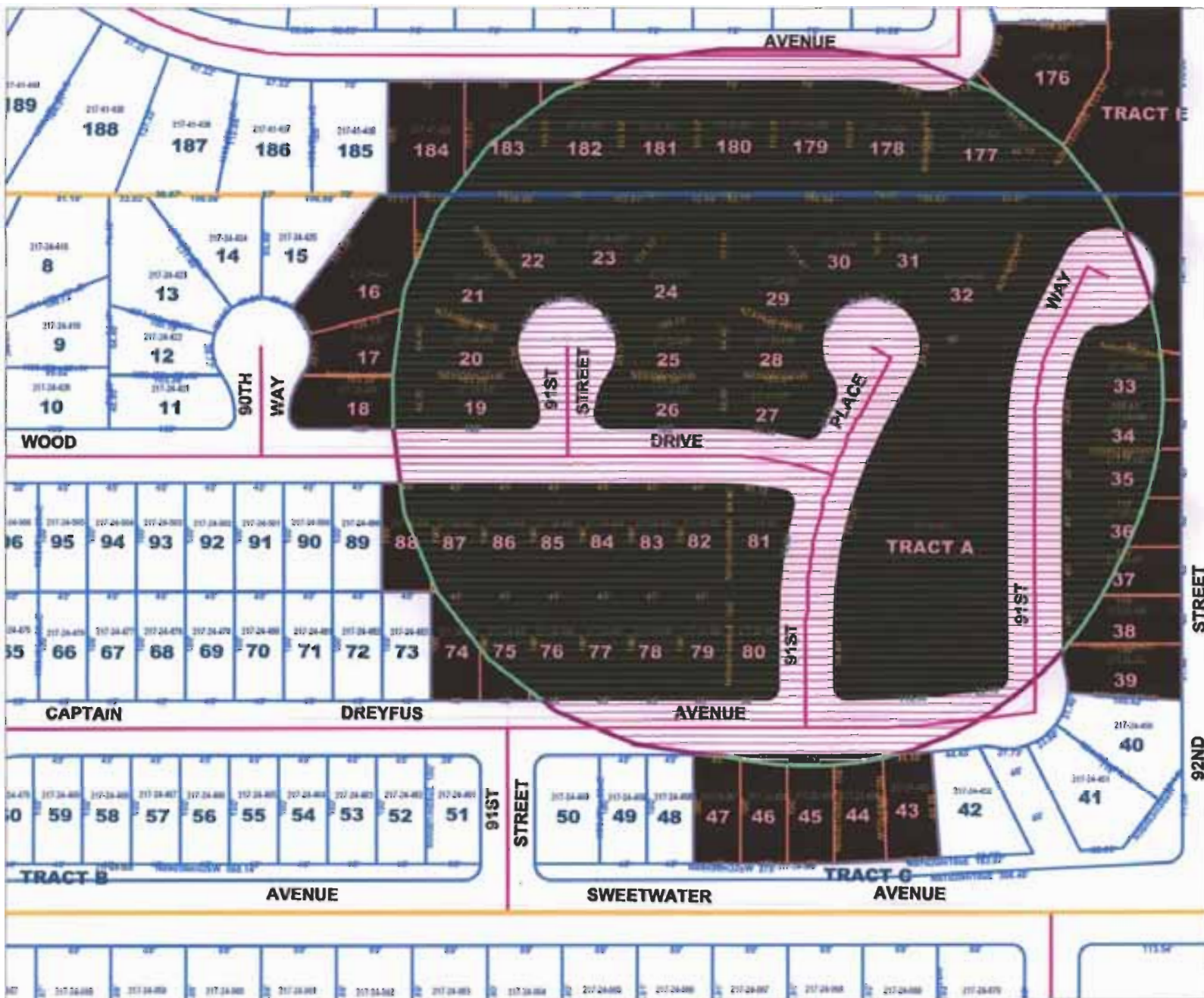
Regards,



Steven F. Wilkins

# County Parcels

Buffer Zone – Offset 300'

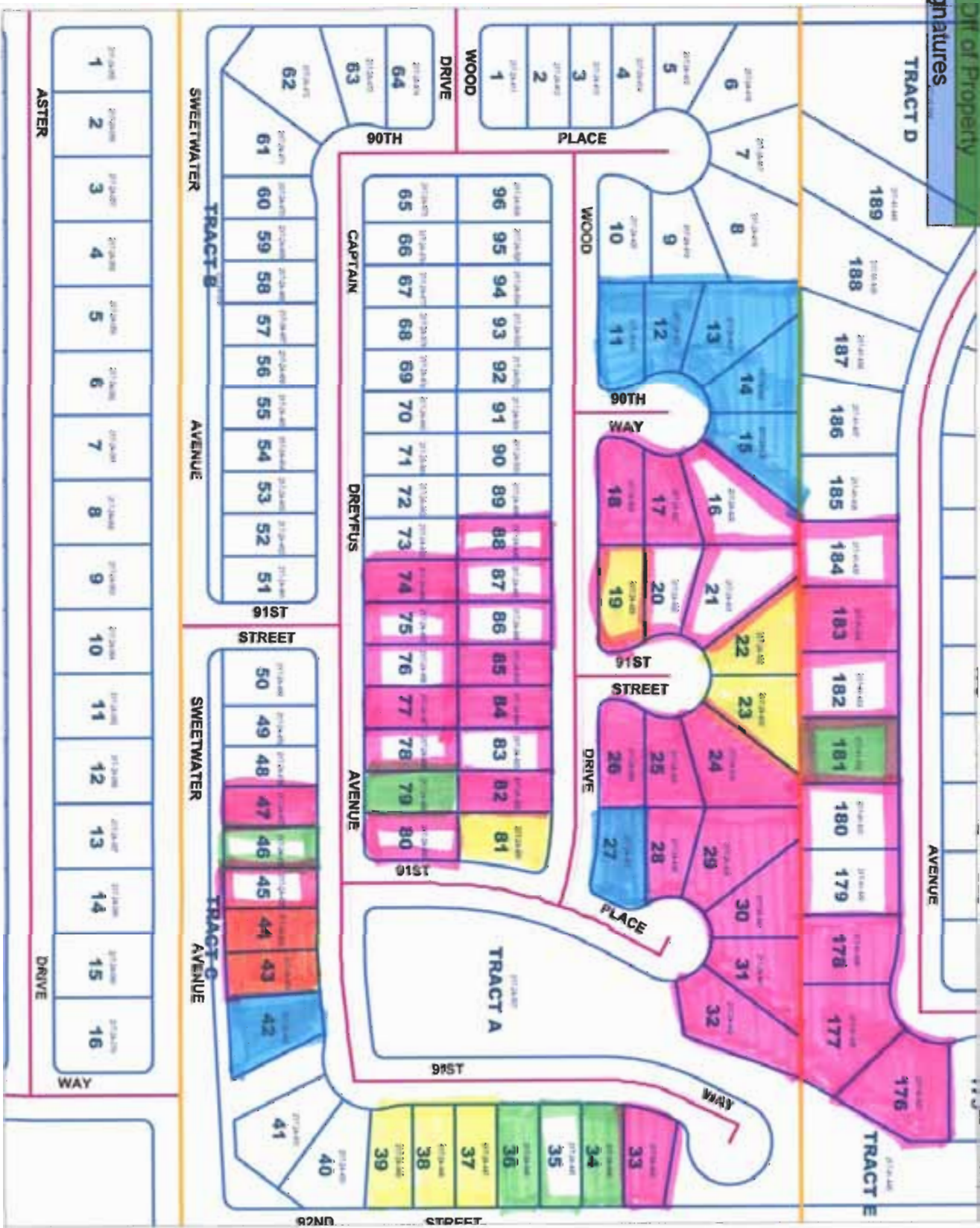




Key within 300' Radius  
Resident/Owner  
Resident/Owner/Correspondence  
Received

Owner/Lives Off of Property  
Additional Signatures

# County Parcels





From: Ruth Nicolazzi

(4 pages to this letter)

LOT #19

Subject:

September 1, 2005

Application for building  
Code variance to The Retreat  
address of 13230 North 91<sup>st</sup> Place  
Lot No. 27, Scottsdale AZ 85260

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allow 2 or 3 feet more from the code requirement, but assured your abutting neighbor living behind you at that time, that the Board of Adjustment that hears requests for variances "would not" approve a structure as close to the common wall abutting your neighbor as you have done on your property.

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I totally disapprove of this illegal structure, as well as your attitude. It is not only unsightly from the street but from your neighbors back yard as well.

Most importantly, in my opinion it is a fire hazard to adjoining properties and if this were put up by my adjoining neighbor behind me without any notification from that neighbor regarding the building without a permit and not being in code with the City of Scottsdale, legal action would be pursued against that neighbor as well as with the City for not enforcing their building code.

I have the exact same house model as yours and approximately the same size lot and would never put up an enormous structure next to my neighbor to the west of me, as you have so done on your property.



Being that years ago, you enclosed your original patio, why now would you choose to build on an additional structure, call it a patio, or an eventually enclosed portion of your home and not even have a backyard? If you need that much space to live in, perhaps you needed a bigger newer home with space around your home in a much more open development than what the Retreat has to offer you.

Very truly,

Ruth Nicolazzi  
13230 North 91<sup>ST</sup> Street  
Scottsdale, AZ. 85260  
Lot no. 19 - at the Retreat

C.C.

copy to be forwarded to  
City of Scottsdale, regarding  
this issue.

**Steve Wilkins**

---

**From:** <Whyynott@aol.com>  
**To:** <sfw789@cox.net>  
**Sent:** Saturday, August 13, 2005 12:06 PM  
**Subject:** Rear Patio

Dere Steve, good luck on your new patio. I am sure it will be a nice addition to the neighborhood and give you are your family a nice place to enjoy each other .

Chad Nelson 13290 N 91 st

Lot# 22



Lot #23

**Steve Wilkins**

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**From:** <TomTygett@aol.com>  
**To:** <sfw789@cox.net>  
**Sent:** Tuesday, August 16, 2005 7:37 PM  
**Subject:** 13285 N. 91st St Got your letter

Steven,

Best wishes with your patio. Would like to meet you and your family just because we are all around the corner. Open door.

Cheers,

**TOM TYGETT**

**EVENT PROMOTIONS USA**

[www.eventpromotionsusa.com](http://www.eventpromotionsusa.com)

[www.thunderbirdballoonandairclassic.com](http://www.thunderbirdballoonandairclassic.com)

[ttygett@eventpromotionsusa.com](mailto:ttygett@eventpromotionsusa.com)

13285 N. 91st St.

Scottsdale, AZ 85260

Office: 480-941-1911

Cell: 602-526-5888

9/25/2005

Lot#80

**Steve Wilkins**

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**From:** "Dave Weber" <dweber85@cox.net>  
**To:** "Wilkins Steve" <sfw789@cox.net>  
**Sent:** Thursday, August 18, 2005 9:45 PM  
**Subject:** your house addition: patio roof

date: August 18, 2005

Steve and Cathy:

This is in response to your August 11, 2005 letter request any input regarding the patio roof you want to complete for your house at 13230 N 91st Place. My comments follow.

The architectural style of the patio addition appears to blend in well with your existing house and those in the surrounding area. I sure it will add value to your house and subsequently to the neighborhood.

regards,  
Dave Weber

9117 E Wood Dr.  
Scottsdale, AZ 85260

PH 480-551-0811

9/25/2005



BUTLER LEMAUROS & LOIS JEANNE  
9097 E WOOD DR  
SCOTTSDALE, AZ 852600000 USA  
Parcel: 217-24-496

#86

DAHLKE ROBERT A/PRIDMORE- ELIZABETH A  
9121 E CAPTAIN DREYFUS AVE  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-455

#45

LOPEZ MARY INOCENTE  
9093 E WOOD DR  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-497

#87

KIRK GAIL D  
9089 E WOOD DR  
SCOTTSDALE, AZ 852600000 USA  
Parcel: 217-24-498

#88

WILKINS STEVEN F  
13230 N 91ST PL  
SCOTTSDALE, AZ 85256 USA  
Parcel: 217-24-437

BULLOCK MICHAEL E/NICHOLE L  
13285 N 91ST PL  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-441

#31

HILL MICHELLE K  
9113 E CAPTAIN DREYFUS AVE  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-457

#47

RETREAT ASSN INC THE  
320 E MCDOWELL STE 100  
PHOENIX, AZ 85004 USA  
Parcel: 217-24-507

QUIGLEY ANDREW J/JANET K  
9175 E PERSHING AVE  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-41-429

Vista Parc #173

GOOD MICHAEL G/TSHONA L  
13225 N 91ST WY  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-443

#33

COLLINS SHEILA  
9092 E CAPTAIN DREYFUS AVE  
SCOTTSDALE, AZ 852600000 USA  
Parcel: 217-24-484

#74

TYGETT TOM  
13285 N 91ST ST  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-433

#3

SUROIU ALEXANDRU S/RALUCA M  
9108 E CAPTAIN DRYFUS AVE  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-488

#75

PALMER RICHARD S

#35

PO BOX 391477  
MOUNTAIN VIEW, CA 94039 USA  
Parcel: 217-24-445

ATWELL GEORGE III  
9129 E CAPTAIN DREYFUS AVE  
SCOTTSDALE, AZ 85260 USA #43  
Parcel: 217-24-453

NICOLAZZI RUTH ANN  
13230 N 91ST ST  
SCOTTSDALE, AZ 85260 USA #19  
Parcel: 217-24-429

MOTTAHED KAMRAN  
9104 E CAPTAIN DREYFUS  
SCOTTSDALE, AZ 852600000 USA #77  
Parcel: 217-24-487

VAN ENGELEN LAURENE L  
13265 N 90TH WAY  
SCOTTSDALE, AZ 852600000 USA #16  
Parcel: 217-24-426

RASMUSSEN DAVID  
9096 E CAPTAIN DREYFUS AVE  
SCOTTSDALE, AZ 85260 USA #75  
Parcel: 217-24-485

BARRETT DOUGLAS J/RUTHANNE R  
13105 N 91ST WAY  
SCOTTSDALE, AZ 85260 USA R#39  
Parcel: 217-24-449

LUDWIG CLAUDIA G TR  
13250 N 91ST PL  
SCOTTSDALE, AZ 85260 USA #28  
Parcel: 217-24-438

GOGNA CARL S/LYNN S TR  
1615 BONANZA ST STE 305  
WALNUT CREEK, CA 94596 USA #36  
Parcel: 217-24-446

SCHROEDER BARRY/NICOLE  
2701 E CANNON DR  
PHOENIX, AZ 85028 USA #46  
Parcel: 217-24-456

INSLEY SARA  
9100 E CAPTAIN DREYFUS AVE  
SCOTTSDALE, AZ 85260 USA #76  
Parcel: 217-24-486

ALEXOV ANN\BOJAN\LEONA  
9113 E WOOD DR  
SCOTTSDALE, AZ 85260 USA #82  
Parcel: 217-24-492

ROE EDWARD J  
2657 MO OLIO PL  
KIHEI MAUI, HI 96753 USA #84  
Parcel: 217-24-494

COULTER HARRIET K  
13250 N 91ST ST  
SCOTTSDALE, AZ 85260 USA #20  
Parcel: 217-24-430

SQUIRES CHARLES W/ANNETTE S  
#21



13270 N 91ST ST  
SCOTTSDALE, AZ 852600000 USA  
Parcel: 217-24-431

TSCHETTER BRIAN K/DIANE D  
13255 N 91ST WAY  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-41-427

OIF BERTRAM/RHODA B/BARTCZAK JANICE  
9021 KEYSTONE AVE  
SKOKIE, IL 60076 USA  
Parcel: 217-24-444

HARTWAY ADAM  
13270 N 91ST PL  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-439

DAHLHAUSER GREGORY  
9127 E PERSHING AVE  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-41-433

CIUCA DUMITRU/FARCASANU CORINA  
13265 N 91ST PL  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-442

POHLMAYER ROBERT JOHN/SUSAN Y  
13245 N 90TH WAY  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-427

NELSON CHAD  
4844 E CALLE DE LOS FLORES  
CAVE CREEK, AZ 85331 USA  
Parcel: 217-24-432

GIBBS NATALIE A  
13225 N 90TH WAY  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-428

KURKJY RAYMOND P  
9115 E PERSHING AVE  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-41-434

BERK ANDRE M  
9103 PERSHING  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-41-435

NIEDZIELSKI CYNTHIA L  
9109 E WOOD DR  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-493

WRIGHT CHARLES R & THERESE L MINNITI  
13290 N 91ST PL  
SCOTTSDALE, AZ 85256 USA  
Parcel: 217-24-440

ROBERTS RUTHEL  
13225 N 91ST ST  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-436

BECK RODNEY R/STACEY

9101 E WOOD DR  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-495

ZETAH JOANN/JABLONSKI KENNETH  
13245 N 91ST ST  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-435

MALTESE JOHN  
9116 E CAPTAIN DREYFUS AVE  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-490

MCCUNE ELIZABETH  
13265 N 91ST ST  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-434

STUART ARTHUR T/KATHERINE L  
9125 E CAPTAIN DREYFUS AVE  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-454

MILLER JAMES D  
9187 E PERSHING AVE  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-41-428

NGUYEN KIEN V/SU A TRAN  
9151 E PERSHING AVE  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-41-431

BORNHOLDT ROBERT M  
173 S TIAGO DR  
GILBERT, AZ 85233 USA  
Parcel: 217-41-432

UPITER STANLEY/PAM  
13125 N 91ST WAY  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-448

SHOEMAKER RUTH MARIE  
9163 E PERSHING AVE  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-41-430

BRAGGINS JOHN  
260 FAWN DR  
SAN ANSELMO, CA 94960 USA  
Parcel: 217-24-489





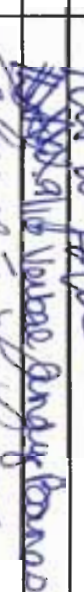




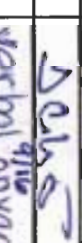


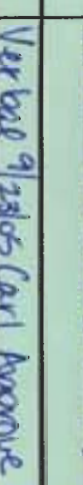
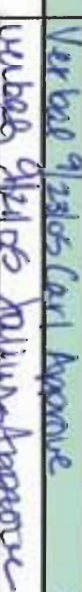

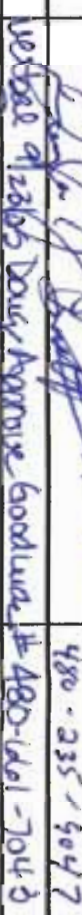

WEBER DAVID J  
9117 E WOOD DR  
SCOTTSDALE, AZ 852600000 USA  
Parcel: 217-24-491

SCOTTSDALE CITY OF  
7447 E INDIAN SCHOOL RD STE 205  
SCOTTSDALE, AZ 85251 USA  
Parcel: 217-41-445

BRACHMAN JULIUS & RACHEL M  
13145 N 91ST WAY  
SCOTTSDALE, AZ 85260 USA  
Parcel: 217-24-447



Variance Petition Case #8-BA-2005  
Steven Wilkins  
13230 N 91st Place  
Scottsdale, AZ 85260

Lot	Name	Sub-Division	Address	Signature or Verbal	
#16	Laurene Van Engelen	Retreat	13265 N 90th Way		480-614-8846 LMSC 9/22
#17	Robert and Susan Pohlmeier	Retreat	13245 N 90th Way		
#18	Natalie Gibbs	Retreat	13225 N 90th Way		480-614-3751 Approver
#19	Ruth Nicolazzi	Retreat	13230 N 91st Street		
#20	Harriet Coulter	Retreat	13250 N 91st Street		
#21	Chuck and Annette Squires	Retreat	13270 N 91st Street		
#22	Chad Nelson	Retreat	Letter		
#23	Tom Tygett	Retreat	Letter		
#24	Elizabeth McCune	Retreat	13265 N 91st Street		On Deck 3 names
#25	Joann Zetah & Kenneth Jablonski	Retreat	13245 N 91st Street		
#26	Andrew and Veronica Banas	Retreat	13290 N 91st Place		Wood Lake Building
#28	Claudia Ludwig	Retreat	13250 N 91st Place		
#29	Adam Hartway	Retreat	13270 N 91st Place		
#30	Chuck and Terry Wright	Retreat	13290 N 91st Place		
#31	Michael and Nichole Bullock	Retreat	13285 N 91st Place		
#32	Dumitru Ciuca and Corina Farcasanu	Retreat	13265 N 91st Place		
#33	Michael and Tshona Good	Retreat	13225 N. 91st Way		
#34	Bertram, Rhoda, Oif/Janice Bartczak	Retreat	Illinois		847.674.7051/7053
#35	Richard S. Palmer	Retreat	California		
#36	Carl & Lynn Gogna	Retreat	California		510-222-1434
#37	Julius & Rachel M Brachman	Retreat	13145 N 91st Way		480-800-1507
#38	Stanley & Pam Uptier	Retreat	13125 N 91st Way		480-235-5047
#39	Douglas & Ruthanne Barrett	Retreat	13105 N 91st Way		480-661-7043
#43	George Atwell	Retreat	9129 E Captain Dreyfus Ave		480-275-0275



Variance Petition Case #8-BA-2005  
Steven Wilkins  
13230 N 91st Place  
Scottsdale, AZ 85260

#44	Arthur T & Katherine Stuart	Retreat	9125 E Captain Dreyfus Ave.	<i>Arthur T Stuart</i>	
#45	Robert Dahlke & Elizabeth Pridmore	Retreat	9121 E. Captain Dreyfus Ave		
#46	Barry and Nicole Schroeder	Retreat	Phoenix		
#47	Michelle Hill	Retreat	9113 E Captain Dreyfus Ave	<i>Verbal 9/25/05 Michelle Approve</i>	480-502-6449
#74	Sheila Collins	Retreat	9092 E Captain Dreyfus Ave	<i>Sheila Collins</i>	
#75	David Rasmussen	Retreat	9096 E Captain Dreyfus Ave.		
#76	Sara Insley	Retreat	9100 E Captain Dreyfus Ave		
#77	Kamran Mottahed	Retreat	9104 E. Captain Dreyfus	<i>Verbal 9/25/05 Kamran Approve</i>	480-371-2156 <i>Verbal 9/23/05</i>
#78	Alexandru & Raluca Suroiu	Retreat	9108 E Captain Dreyfus Ave.		
#79	John Braggins	Retreat	California		
#80	John Maltese	Retreat	9116 E Captain Dreyfus Ave.		480-657-9612 <i>Verbal 9/23</i>
#81	David Weber	Retreat	Letter		
#82	Ann, Bojan, Leona Alexov	Retreat	9113 E Wood Drive	<i>Verbal 9/25/05 Approve &amp; Food List. Ann Alexov</i>	
#83	Cynthia Niedzielski	Retreat	9109 E Wood Ave.		
#84	Edward Roe	Retreat	Hawaii	<i>Verbal 9/25/05 Edward Roe Approve</i>	808-298-8705/808-879-0164
#85	Rodney and Stacey Beck	Retreat	9101 E Wood Drive	<i>Verbal 9/25/05 Rodney Beck</i>	
#86	Lemauris & Lois Jeanne Butler	Retreat	9097 E Wood Drive		480-860-1571
#87	Mary Innocente Lopez	Retreat	9093 E Wood Drive		
#88	Gail Kirk	Retreat	9089 E Wood Drive		602-315-8511 <i>Verbal 9/24</i>
#176	Brian and Diane Tschetter	Vista Parc	13255 N 91st Way	<i>Diane is President of Vista Parc HOA</i>	480-1641-6492 <i>Verbal 9/24</i>
#177	James Miller	Vista Parc	9187 E Peshing Avenue	<i>Verbal 9/25/05 James Miller Approve</i>	480-502-8698 <i>Verbal 9/24</i>
#178	Andrew J and Janet Quigley	Vista Parc	9175 E Pershing Ave.	<i>Verbal 9/25/05 Janet Approve</i>	480-860-1710



# Variance Petition Case #8-BA-2005

Steven Wilkins

13230 N 91st Place

Scottsdale, AZ 85260

#179	Ruth Marie Shoemaker	Vista Parc	9163 E Pershing Ave.		
#180	Kein Nguyen & A Tran Su	Vista Parc	9151 E Pershing Avenue		
#181	Robert Bornholdt	Vista Parc	9139 E Pershing Ave. Gilbert, Arizona	Approve 9/23/05 Steve Case Bob Bornholdt Approve	480-391-7474
#182	Gregory Dahlhauser	Vista Parc	9127 E Pershing Avenue		
#183	Raymond Kurkiy	Vista Parc	9115 E Pershing Avenue	Approve 9/23/05 Steve Case Ray Kurkiy	480-561-8057
#184	Andre M Berk	Vista Parc	9103 Pershing		

Add signatures

#14 Simens, Kathleen

#11 Pauwani Snee

#12 Laura Pokorski

#13 John Shannon

#15 Michelle Mulady

#42 Martin & Grace Ryff

Retreat 13290 N 90th Way Stephen Simens 480-967-1464

Retreat 13230 N 90th Way Paulie Snee

Retreat 13250 N 90th Way Jane Jablonski

Retreat 13270 N 90th Way John Shannon 480-451-1018

Retreat 13285 N 90th Way Stephen Mulady 480-699-3061

Retreat Location of Address 9133 E Captain Dreyfus Tacoma, WA 253-565-7320  
Retreat Approve petition 9/24/05